

REMARKS

Claims 1-4 stand rejected. Claim 1 has been amended, and claims 5 and 6 are new. Independent claim 1 has been amended to clarify that the invention is directed to a “reclosable *beverage* container.” Independent claim 1 stands rejected as being obvious based on United States Patent Number 6,010,028 (Jordan) in view of United States Patent Number 5,884,679 (Hansen). Applicant submits that one of skill in the art would not modify Jordan in view of the teachings of Hansen.

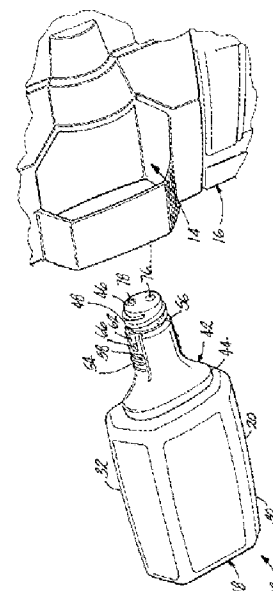
In that regard, applicant submits that it is impermissible to modify Jordan according to the teachings of Hansen, taken as a whole, because to do so would impermissibly conflict with a fundamental principle of operation of Jordan. Jordan emphasizes that it is directed to a beverage bottle, stating that “[i]t is also an objective of this invention to provide improved *metal beverage containers* which are adapted to be closed by threaded closures.” (Jordan, col. 2, lines 15 – 18) (*italics added*). Accordingly, it is a fundamental principle of Jordan to produce an improved metal beverage container, and the property of a relatively unobstructed opening is inherent in this principle. Contrary to this principle, the adapter taught by Hansen restricts the flow from the outlet (Hansen, col. 3, lines 40-51; Figures 2 & 5), as the adapter is used as an attachment point for a straw 88 that extends to the bottom of the bottle (*Id.*, col. 3, line 39). Because Hansen’s adapter restricts flow, applicant submits that modifying Jordan to include the teaching of Hansen relating to the adapter would impermissibly change a fundamental principle of operation of Jordan, which is prohibited by M. P. E. P. § 2143.01.

Applicant has also added new claim 5 which requires the sleeve to be “circumferentially continuous,” which fits over the metal neck component and covers the seam between the neck component and the metal can body. This amendment is supported throughout the specification and figures, and would be clear to a person of ordinary skill in the art. Applicant respectfully submits that neither Jordan nor Hansen teach such a structure.

As an initial matter, the office action acknowledges that Jordan does not disclose a sleeve that “fits over the metal neck component and covers the seam between the neck

component and the metal can body,” but asserts that Hansen does. Applicant submits, however, that Hansen’s sleeve is not “circumferentially continuous” as claimed in claim 5.

Hansen instead teaches a sleeve that is not circumferentially continuous because it contains “cantilevered flanges 52, 54...formed...by a pair of U-shaped grooves 56, 58,” as shown in Fig. 1 to the right (col. 3, lines 7, 8). These grooves accommodate insertion and removal of the container into and from recess 14 (col. 4, lines 1-3; col. 4, lines 20-25). Furthermore, Hansen must include grooves 56 and 58, because Hansen teaches that its sleeve includes cantilevered flanges that must deflect relative to the neck (col. 4, line 2) so that the Hansen bottle assembly may be inserted and secured into the recess (col.4, line 5). Therefore, Hansen not only does not teach a circumferentially continuous sleeve, as claimed in claim 5, but it also could not be modified to be circumferentially continuous.



Accordingly, neither Jordan nor Hansen teaches a circumferentially continuous sleeve that extends over the cylindrical portion of the neck and frusto-conical shoulder, as claimed in claim 5.

For all of the forgoing reasons, applicant respectfully submits that claim 1 (and 2-6 which depend therefrom) are in condition for allowance. If the Examiner determines that a telephone conference would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

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